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FISCAL IMPACT STATEMENT

LS 6871

BILL NUMBER: SB 395

NOTE PREPARED: Jan 4, 2010

BILL AMENDED:

SUBJECT: Civil Commitment.

FIRST AUTHOR: Sen. Bray

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill establishes a procedure to civilly commit for up to 24 hours an individual who is mentally ill and dangerous. The bill repeals the current law concerning the immediate detention of individuals who are mentally ill and dangerous. It also makes conforming amendments.

Effective Date: July 1, 2010.

Explanation of State Expenditures: This bill changes who can currently seek to have an individual placed in immediate detention. Currently, only a law enforcement officer can make a determination to have an individual placed in immediate detention. This bill may increase the number of requested civil commitments and the number of commitments made in the state.

According to the National Alliance on Mental Illness (NAMI) of Indiana, currently, treatment costs for civil commitments may be paid by either private insurance, government programs, individuals with mental illness, or in rare instances, a county government. To the extent civil commitments increase, state expenditures may increase as well to pay for the costs of treatment. However, increases in expenditures are expected to be small.

The bill repeals existing language on immediate detentions, but replaces this language with similar language. Similarities include: (1) a maximum 24-hour commitment period, (2) the ability for a facility superintendent to order additional commitment time, (3) requirements if additional commitment time is recommended, and (4) furnishing of emergency treatment as necessary.

Explanation of State Revenues:

Explanation of Local Expenditures: To the extent counties are either required by court order or elect to provide for the costs of additional civil commitments, county expenditures may increase. However, increases in county expenditures are unlikely.

Court caseload for circuit and superior courts may increase to the extent individuals either provide sworn testimony or file sworn affidavits demonstrating an individual has a mental illness and presents a danger to themselves or others. Increases are indeterminable.

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: County government; Circuit and superior courts.

Information Sources: NAMI of Indiana.

Fiscal Analyst: Bill Brumbach, 232-9559.